

# draft minutes

## Planning Committee

21<sup>st</sup> November 2013

### Present:

#### Members (15)

Councillors Coleman, Chair (CC); Hall, Vice-Chair (PH); Barnes (GB); Driver (BD); Fisher (BF); Fletcher (JF); Godwin (LG); McCloskey (HM); McKinlay (AM); Stennett (MS); Sudbury (KS); Thornton (PT); Wheeler (SW).

**Substitutes:** Councillor Roger Whyborn (RW)  
Councillor Andrew Chard (AC)

#### Officers

Mike Redman, Director Built Environment (MR)  
Tracey Crews, Head of Planning (TC)  
Martin Chandler, Team Leader, Development Management (MC)  
Wendy Hopkins, Planning Officer (WH)  
Emma Pickernell, Planning Officer (EP)  
Philip Stephenson, Strategic Planning Officer (PS)  
Martin Stacy, Housing and Communities Manager (MSt)  
Paul Scott, Contaminated Land Officer (PS)  
Chris Chavasse, Senior Trees Officer (CC)  
Michael Glaze, Gloucestershire Highways (MG)  
Cheryl Lester, Legal Officer (CL)

### 1. Apologies

Councillors Jeffries and Garnham.

### 2. Declarations of interest

#### 13/00756/FUL Leckhampton Industrial Estate,

CL explained to Members that a fellow Member, Cllr McLain, owns land adjacent to this site, and as they all know him, they may all consider they have what is known as a personal interest in this application. If so, they would each then also need to consider whether they feel they have a close association with Cllr McLain that was so significant that it is likely to prejudice their consideration of this application.

Cllr Driver considered that, as a close friend of Cllr McLain, her interest could be prejudicial as well as personal, and decided to leave the Chamber for this debate accordingly. All other members, at the Chair's suggestion, agreed to declare a personal interest in respect of this application.

#### 13/01386/FUL Coronation Flats, Oak Avenue

Cllr Driver – personal and prejudicial – is on the board of Cheltenham Borough Homes and they are connected with the site.

#### 13/01500/CONDIT and 13/01767/ADV Car Park, North Place

Cllr McKinlay – personal – is cabinet member for Built Environment.

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## 3. Public Questions

There were none.

## 4. Minutes of last meeting

Resolved, that the minutes of the meeting held on 17<sup>th</sup> October 2013 be approved and signed as a correct record without corrections

## 5. Planning applications

|                         |  |
|-------------------------|--|
| Application Number:     | <b>13/01101/FUL</b>  |
| Location:               | <b>Land at North Road West and Grovefield Way, Cheltenham</b>  |
| Proposal:               | <b>Proposed erection of a flagship BMW, Mini and Motorrad dealership including vehicle sales and servicing facilities and will include the creation of an access from Grovefield Way</b> |
| View:                   | <b>Yes</b>   |
| Officer Recommendation: | <b>Permit, subject to S106 agreement and ratification by the Secretary of State</b>  |
| Committee Decision:     | <b>Permit, subject to S106 agreement and ratification by the Secretary of State</b>  |
| Letters of Rep: 25      | Update Report: <b>Additional letter from Cllr Britter; suggested conditions and S106 requirements</b>  |

### Introduction

MJC introduced this application, saying it had a lengthy history, and an extant outline planning permission on the site – the site plan shows the area which benefits from that permission, and Members are being asked to consider the north-east third of that area.

### Public Speaking:

*As two separate individuals wanted to speak in support of this application, they were each allowed 1.5 minutes in which to do so.*

### Mr Andrew Hulcoop, Cotswold BMW, in support

The site at Tewkesbury Road is no longer acceptable from BMW's point of view, and it does not make commercial sense to keep two businesses open in Cheltenham, hence the proposal to close the old site. BMW employs 156 people in Cheltenham and Gloucester, its payroll adding £5m to the local community. Following relocation, they would expect to grow that headcount significantly, bringing more employment to the town. BMW prides itself on developing and training young people, with over 20 young trainees and apprentices, and its own training academy. This proposal will be a huge investment, but is considered worthwhile and right for the local area.

### Mr Paul Fong, Hunter Page Planning, in support

Members will all appreciate the full planning merits of the scheme, having read the report. This is a comprehensive report, and HPPlanning worked hard with Officers to reach their conclusions. Is proud that this internationally-recognised brand wants to make significant investment in Cheltenham – it will be a landmark development based on a quality design, with sustainable facets and providing employment, wealth and prosperity to the local area. Commends the scheme to Members.

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## **Member debate:**

**MS:** this is a good scheme. Commends the applicant for providing an excellent model which makes it so much easier to envisage, and represents the quality of the product sold.

**JF:** this proposal is in her patch, and the site has a long history. Sad that the green belt is to be built on, and would have liked to keep this as a green oasis, but the precedent has been set and there is no going back now. The design is wonderful and innovative, and she wholly supports it. Notes a lot of concern about traffic, but Mark Power at Gloucestershire Highways has said it will produce less motorists than an office development. Grovefield Way can get very congested at peak hours but is free-flowing most of the time, and North Road West is protected. Councillor Britter has written expressing concerns of residents – supports what he says, but there is nothing we can do. Fully supports the proposal, which will be good for the town's economy, and provide apprenticeships for young people.

**SW:** cannot agree with JF. This land is on the edge of the green belt, not a green oasis, but agrees that all this is water under the bridge. Is concerned about the confirmation of the stopping-up order, as detailed on Page 3 of the orange update. Understood that 'once a byway, always a byway', and that stopping up requires agreement of the ODPM and is only done on significant grounds – didn't think that commercial interest ticks the right boxes here. Asked under whose authority this path was stopped up, and did it go to the ODPM?

**BF:** has a few issues with this application. Firstly, no parking spaces are provided for the workers. Cotswold BMW is currently situated in Swindon Village, along with other motor traders, and for many years workers have parked in adjacent supermarket car parks. They have now been asked to leave, and are therefore filling up private roads from 8.00am till 6.00pm. There will be very little chance for workers at Grovefield Way BMW to park anywhere but ASDA and B&Q if not on the site; 47 spaces for 200 employees is not sufficient. This is a garage – people will drive to work, and the Green Travel Policy cannot be enforced and isn't legally binding. There will be a lot of people needing to park. Of the 200 jobs, wondered what percentage will be part-time? Highways has stated that vehicle movements in and out will be less than the original planning permission would have generated. Also, if the number of jobs per hectare was extended to the whole site, it would produce 800 jobs – we are looking for 21,250 - we would need to tarmac to the M5 to provide this. This is B1 employment land and needs higher employment density, otherwise we will have to use land protected by the JCS earlier than stated. A recent briefing note from Officers said that we must try to protect land, but Officers also say that a mixed use development on this site would be hard to resist, given recent changes in legislation. If this is so, it is only a matter of time before there is an application for housing here. On the subject of job generation, questioned whether the proposed use of the site would be more efficient than the permitted use.

The applicants need to sort out on-site parking – when building, all parking for workers must be on site. Members need to consider the loss of employment land and should not deviate from the planning permission on green belt. Asked about cycling and bike storage. Doesn't like the proposal.

**RW:** agrees with BF, but in terms of practical options for the site, this is the least worst option. Asked the Highways Officer for clarity regarding the Park & Ride – they say the capacity will run out in 2031, and one option is to extend the area, but alternatively, Highways is happy to accept £1/2m towards modal shift. Is a Park & Ride extension needed or not? If there is an alternative, would like more explanation about what this is – doesn't want to build a problem for the future.

**HM:** carrying on from RW's point, has serious concerns. The panel of land in the site has been approved by the Secretary of State for extending the Park & Ride by 220 spaces; the report refers to the land use changing from B1 to sui generis, but in fact it is changing from Park & Ride to sui generis. Mark Power says the Park & Ride is well used; the applicant refutes this. On Planning View, the Park

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& Rise was full. There is an option to build further Park & Ride on site, but no details of what conditions are needed or what the timescale is. It would be unwise to turn our backs on the existing facility when the population of Cheltenham and the JCS area is forecast to rise to 2031. Where will these people park their cars? Elmbridge Court may never come to existence. The application is prior to an application in respect of the SW Cheltenham Transport Strategy report and the matter and S106 agreement should wait a month then can judge whether this extension should be protected from development. If this proposal is approved tonight, and it's later decided that further Park & Ride is needed, where will this go? If brought forward without the BMW complex, there will be no increase in employment – we are between a rock and a hard place. The Park & Ride would tick two boxes in the JCS – economic (people coming to Cheltenham for shopping) and environmental. The final decision is with the Secretary of State, but it is important that Members voice their concerns about the application.

**LG:** hoped we would have learned from our mistakes regarding loss of this green belt site – we are now hoist by our own petard and have got to get on with it. On the blue update, the only relative paragraph is No. 11 – the others should have been put forward when the application to develop the site first came up. Can Officers explain what Paragraph 1 means, particularly the first sentence? On Planning View, the question of class of use came up, and Members were told that the use was sui generic, not specifically B1, so what will happen when future applications come forward, will we have set a precedent with this application, will others follow the same train?

## **MG, in response:**

- regarding the issue of existing trips vs proposed, said the extant planning permission for B1 use, 22 sq m of office space, would generate 278 vehicle movements in the morning, 603 in the afternoon, while this use will generate 67 vehicle movements in the morning, 53 in the afternoon;
- regarding parking for the 200 employees, noted that these are not all full-time positions, and reminded Members that this is no minimum/maximum parking standards under PPG13 – parking is considered on a site by site basis, and it can be assumed that the applicants know their needs better than we do;
- the applicants are providing 49 spaces, a green travel plan, and £1/2m towards modal shift targets, continuing to promote Cheltenham's transport strategy of encouraging bikes, buses, walking, car sharing etc;
- if there are problems with parking in the future, the County Council could put waiting restrictions, residents' parking schemes etc in place, but the amount of parking currently provided is considered enough;
- regarding Park & Ride, the land was originally saved for 100 spaces; by 2031 the current capacity will be reached; Highways officers can only assess the need to the end of 2031 – this is the end of the plan period. The £1/2m which the applicant provides will help achieve the multi-modal shift targets. We may be losing 100 Park & Ride spaces but the Travel Plan contributions will off-set that.

## **MJC, in response:**

- to SW's comments about the stopping-up order, it is clear from the report that the application was made and determined unopposed four years ago; this is not relative to consideration of this application;
- to BF's points, said his comments were essentially similar to LG's, regarding the future of the site if planning permission is granted;
- to the comment about the merit of the employment land, said any future applications will be dealt with on their specific merits as will the current one; this is comparable with the NPPF and Cheltenham Plan, and has no bearing on what happens in future. Findings will be presented in keeping with employment land position, job creation etc;

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- regarding the blue update, said Paragraphs 1-11 are Councillor Britter's comments, not the planning officer's words. Paragraph 1 refers to the RSS, but Cllr Britter was clearly referring to the JCS here.

**SW:** cannot handle the Highways Officer's comments that if it all goes wrong, the County can look at putting in parking restrictions adjacent to the site. There are major problems in this area, as shown by GCHQ staff. People don't want yellow lines and residents' parking schemes – they want to park outside their homes. Grovefield Way isn't suitable for parking, so can't accept this suggestion in any shape or form. Regarding the stopping-up order, can show a number of illegal anomalies on a definitive map where by-ways have been stopped up – one runs through the middle of a house in Hatherley! Not satisfied that this path has been stopped up legally, and would like to check the details.

**HM:** the Highways Officer said that by 2031, the existing Park & Ride will be full; on the orange update, Page 6, the Highways technical note states that, with growth assumed by the JCS, the Park & Ride will need 220 spaces to maintain all-day vehicle demand, with a gradual move towards that figure over the years. Confused – can Officers explain?

**JF:** GCHQ staff using the Park & Ride is a problem, and is being looked at. Grovefield Way has never had any parking restrictions; Elmbridge Court is on the cards, but when might that happen?

**BF:** it would be nice to see how the Transport Plan is working in the current premises and other BMW sites in Gloucestershire – do staff use buses and cycles to get to work? Takes issue with the Highways Officer's comments – prevention is better than cure, and we are here to prevent problems. There has been no parking assessment for Elmbridge Court, so that has to be a few years off at least, with no guarantee that it will ever happen. There has been a lot of talk about Elmbridge Court, a new bus station etc, but there is currently no alternative to the Park & Ride used now. GCHQ staff use it as Park & Walk, and as it is very close to the application site, BMW staff are likely to do the same.

This site is very sensitive – it is green belt and has planning permission for B1 use only. This application waters it down – the amount of jobs provided would be less than that 500 if the other 83h of land was treated same way, against a need of 21,800. There are empty sites in Cheltenham for employment land. Under the JCS, it is virtually impossible to resist a mixed application on this site, for a shop, garage and employment, but the garage only takes up one third of the site and creates less than 50 new jobs. We are making ourselves available, and a future application for houses will be impossible to resist.

**MS:** the car park debate is a red herring, and successors will start thinking about doubling the parking capacity on the present site with undercroft parking or an extra level. GCHQ should also be thinking about it in their grounds – the council should press GCHQ to do this, to do something about the sea of cars at present; they should have gone underground with parking from the start. Land is finite – we can't keep spreading to accommodate cars – we have to start stacking them.

**RW:** only received the committee papers last night, and now that he understands the Highways Officer comments more fully, withdraws his opening remark. Has no problem with BMW, but this area is reserved for Park & Ride – cannot therefore support the application. Highways has failed to address the issues and not provided satisfactory answers. MS talks about undercroft parking, but this costs a fortune, and water drainage issues in this area may well make it impossible anyway, so we cannot hang our hat on this for the future. Recommends the Secretary of State doesn't ratify the application.

**BD:** we have got to start using undercroft and underground parking. Houses can be built on top. It may be expensive, but BMW can afford it.

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**LG:** referring back to Paragraph 11 (blue update), are we going to get a response on why the Inspector's decision has not been taken into consideration? Is he right in thinking that Grovefield Way is part of the south-west distributory road, built in 1991? Is it subject to parking restrictions? It would be very odd to see cars parked here. Is there an unwritten restriction, or the possibility that some parking can take place there?

**MJC, in response:**

- LG's and RW's points are similar, regarding the approach of the County Council and how Officers have taken into account the Park & Ride part of the outline permission;
- the recommendation hasn't been arrived at lightly, with numerous discussions with the applicant regarding the fundamental issue of the loss of the Park & Ride. Highways concerns have been mitigated by the S106 agreement of a £503k transport contribution;
- if permission is granted, the land will go, but the County is satisfied that the contribution can mitigate the effect, moving towards a modal shift;
- this is a reasonable approach, and the result of substantial negotiation; fundamentally, the loss of the Park & Ride doesn't outweigh the benefits the scheme will bring, including the S106 contribution;
- to LG, said again that Paragraph 11 on the blue update is the words of Cllr Britter, and the Inspector's decision was fundamental to consideration of the application; County considers that, with mitigation, and Park & Ride extension can be lost;
- to BF's comments about watering down the planning permission and potential for a mixed use application, covered this is his initial response, and reminded Members that all applications are considered on their merits; this isn't an application for B1 use, and is analysed in detail in the report;
- our own policy EM2(c) recommends use for car sales as an alternative to employment land, as it generates jobs; this use is compliant with the Local Plan, and doesn't water down the original consent;
- future applications on the other parcels of land will be determined on their own merits.

**MG, in response:**

- echoes MJC's points regarding the S106 contribution, saying that a high contribution was taken for the ASDA application, and data shows a massive modal shift, with people using buses, walking and cycling. Green initiatives often carry a stigma – 'it won't work' – but this isn't true;
- there is a condition for the developer to provide a transport plan, showing exactly how 49 people are parking at any one time – if they are parking on the roads and there is no modal shift, CBC will take enforcement action, but it is anticipated that there will be car sharing, buses, walking and cycling;
- highways officers had long discussions with transport consultants, who provided a lot of information to show how the 49 spaces would work;
- regarding his earlier comment on waiting restrictions, this got lost in translation – was not suggesting double yellow lines everywhere. The County can look at introducing restrictions, if necessary;
- the County is aware of GCHQ staff using the Park & Ride and agrees that this isn't ideal. It is being looked at by the parking team, and if an alternative is found, the capacity of the Park & Ride will increase;
- regarding Elmbridge Court, there is no planning application yet, but funding from the Department for Transport is agreed and a planning application is anticipated in early 2014, with a completion target date of 2016;
- regarding the Park & Ride capacity by 2031, this is the end of the development plan period. There may be 100 lost spaces, but GCHQ won't be using it, and the S106 payment will be used to encourage car sharing, walking and cycling. The transport study of the area was accepted by the

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Inspector , and 10% of the S106 money can be used for this Officers had detailed discussions with the applicants to ensure safe access;

- the S106 contribution and study of the effects once built out should mitigate the effects of the development satisfactorily.

**RW:** thanked Officers for this clarity. Regarding the Park & Ride, it appears that the County doesn't know how to spend the £503k contribution and hopes that as a result of the transport study it will find out. Commended the County on Monday, but in this situation, the County needs to treat CBC like adults and explain what will be the possibility of solutions which actually work – the £503k is taken on trust that it will provide solutions which work, but cannot buy into this.

**BF:** if we are going to take the JCS seriously, every application must be considered on its merits. This site is the largest green field B1 site in the borough; every time another green field site is used, applicants want a bespoke scheme. If he was a developer looking to build round Cheltenham – and with the JCS, there are a lot of these coming – he would have said this is B1 land and there is no chance, but now this is being diluted. If this is followed across the entire 83h of land earmarked for employment, we will be very, very short of employment land. This makes the credibility of the JCS look very weak, if there is no way of restoring this to B1. The applicant had to go to appeal to get permission, and we are rolling over and allowing a garage, with a fraction of the jobs of B1 use, and it shouldn't be forgotten that jobs generate the need for houses. Regarding the Park & Ride, there is no guarantee that Elmbridge Court will be built.

**SW:** on the question of parking, GCHQ built the maximum number of parking spaces allowed by law at that time – 40%. Since then, there has been a massive problem with them trying to find additional spaces. Some staff use the Park & Ride and pay for this, which is permissible, but others don't. If Highways say they can't prevent people using the Park & Ride, where will GCHQ staff park – Grovefield Way? This doesn't solve the problem. If the Park & Ride is full, whether with people going to town or GCHQ staff, we will need more space. Cannot support this application – people need to park somewhere and it is better here than on residential streets.

**LG:** still looking for a response to his second question – is there a parking restriction on the SW distributory road, of which Grovefield Way is one part? In view of comments made, we need to be clear where we stand regarding parking on that road.

**PT:** wasn't going to speak but is horrified by the discussion so far. If we take away Park & Ride spaces and throw people out of there, where will they go? Parking is a real problem in Benhall – a nightmare, with one particularly dangerous corner. This problem needs to be looked at in the round and must be sorted to make the application and the situation viable.

## **TC, in response:**

- to clarify some issues about the status of the site, extant permission, and green belt, this site is not identified by the JCS as a strategic allocation for housing, employment or anything else. There is a commitment for it to be developed for employment use, which has been planned for in the context of the JCS. The suggestion that if part of the site is used for the garage, other schemes for housing will be difficult to resist is unfounded. The Inspector was clear why development of this land in the green belt was necessary – at the time Cheltenham has a severe deficit of employment land coming forward, and that situation is now worse;
- the JCS looks at strategic employment provision. We need to deliver on commitments we already have, and this scheme will trigger more use of the land to come forward;
- regarding the business sector, garages fall into this category, and BMW is a key site in Cheltenham. The proposal will create some new jobs, and benefit from rationalisation of the sites. Also to be considered is the site on Tewkesbury Road, which will become vacant and could be taken by another car dealership, thus creating more jobs;

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- the proposal is compatible with policy EM2;
- to concerns about highways and transport advice, the S106 requires a significant transport contribution. Not all the answers are there, but the key elements will be in the modal shift. The Park & Ride and other transport issues will be looked at and transport colleagues will do work to identify which interventions are required the most.

### **MG, in response:**

- to LG's question about Grovefield Way, there are no parking restrictions, but it would be mad to park here.

**KS:** it has been an interesting debate – had been unsure how to vote when reading the papers. There are good economic benefits, but a major issue of the loss of the Park & Ride extension potential. The Cheltenham Transport Plan consultation showed that people want improvements to the Park & Ride, including its location, possibly nearer to town – not sure if this would be the right place. Uses the route often and has noted heavy congestion at times at the B&Q roundabout since ASDA opened. Noted the significant contribution to the modal shift – it is important to know how this will be spent. For example, someone going to the tip cannot use the bus, but has to use a car. GCHQ and other issues also need to be sorted out, but these are not related to this application and it is unfair to the applicant to make them so. The scheme doesn't look bad, but is worried about the traffic and still not sure which way to vote.

**CC:** Members have been discussing this application for over an hour, with a good exchange of questions and answers. Noted some negativity from some Members – is there a move to refuse -if so, on what grounds? – or to defer due to anxiety about the Park & Ride?

**HM:** has searched the NPPF and Local Plan and can see no reason to refuse the application, but will abstain from the vote, due to concerns.

**BD:** what difference will it make if the decision is deferred?

**CC:** Members may feel they would benefit from more information from Highways on the Park & Ride situation – suggests this as something to be considered.

**RW:** happy to defer to HM's comment about the NPPF, but would propose deferral to allow the opportunity for a more joined-up picture from the County regarding how the modal shift can be achievable. Also, the applicants might want to consider whether they have gone for the right part of the site.

**LG:** the only sensible reason to defer would be to find out if there is some portion of land to extend the Park & Ride site, but this is not an option. We cannot take a slice of land from the potential developer, so there is no point in deferral. We need to agree or refuse.

**BF:** regarding deferral, this site was going to include a Park & Ride - is the applicant prepared to allow Park & Ride to be relocated in the site? The applicant must make it clear what the current green travel plan is. If the point of the planning application was for 200 extra Park & Ride spaces, there would still be room on site for this.

**JF:** this is most extraordinary, following months of negotiations. If Members refuse, can the Secretary of State overrule them? There are no planning reasons why we can refuse.

**SW:** would have liked to vote against this proposal, but will go along with deferral as there is no satisfactory answer regarding the public right of way.



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## **MJC, in response:**

- if the application is deferred, Officers can look at a few points, such as how the County will look to achieve the modal shift, and approach the developer regarding alternative uses of the site. Knows the answer to that question, so the only thing to be achieved by deferral is therefore further clarity from the County;
- to JF's question about the Secretary of State issue, if planning permission is refused, this will not be a departure from the Local Plan, and therefore will not need to be considered by the Secretary of State, although the applicant will have the right of appeal. If the committee decision is contrary to advice from Highways experts, there will be very little evidence to back this up, making it risky;
- if Members are nervous about permitting the scheme, they should vote to defer.

**BD:** has been on Planning Committee for 14 years, and is disappointed by the mess it gets itself into these days – frightened of saying no to a proposal, deferring, and then all saying yes next time. Planning Committee isn't working as well as it used to.

## **Vote of RW's move to defer**

4 in support

7 in objection

3 abstentions

**MOTION LOST**

## **Vote on officer recommendation to permit**

6 in support

3 in objection

5 abstentions

**PERMIT**

**CC:** this was a very good airing of a significant application on a significant site, with many good points raised.

|                         |   |
|-------------------------|---|
| Application Number:     | <b>13/00756/FUL</b>   |
| Location:               | <b>Leckhampton Industrial Estate, Leckhampton Road, Cheltenham</b>  |
| Proposal:               | <b>Demolition of existing buildings and residential development comprising the construction of 28 dwellings</b> |
| View:                   | <b>Yes</b>  |
| Officer Recommendation: | <b>Permit subject to S106 contribution and with amendment to Condition 27</b>                                   |
| Committee Decision:     | <b>Permit subject to S106 contribution</b>  |
| Letters of Rep:         | 31 + petition   |
| Update Report:          | <b>Officer comments, recommendation and conditions (circulated Wednesday) and additional representations</b>    |

**Cllr Driver left the Chamber for the consideration of this item**

## **Introduction**

WH described the proposal, which will involve demolition of existing buildings and remedial work round the existing land levels. A viability assessment has been done, with an affordable housing provision of 10%.

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## **Mr Bastin Bloomfield, local resident, in objection**

Introduced himself to Members as a resident of Collum End Rise, a registered architect and a corporate member of RIBA. Favours and supports appropriate development of the site, but not in its current form. The Design & Access Statements says levels to the north of the site will be reduced to minimise impact on existing properties - this is not shown on the plans, and although the report notes a reduction on site levels of 2.5m, this occurs in a limited area on the far boundary. Despite the offer of access, the applicant has never viewed the site from any gardens other than 61 Collum End Rise to assess the impact of level changes, and the garden of 51 Collum End Rise is 2.4m higher than 61. Members will have noted on Planning View that the existing bank, at 5.2m, is significant before a three-storey building as put on the top. Key factors from the Garden Land SPG have not been addressed such as impact on neighbours' amenity due to layout, scale and massing. Twelve family homes and gardens, currently enjoyed by 43 residents, will be directly impacted by the proposals. They are not suggesting no development and recognise the importance of providing houses, but object to the dominating visual impact and significant loss of sun and daylight and its consequences, due to orientation and level changes. The proposals are large executive properties on small plots; due to the height difference, this is equivalent to a five-storey house 2m off his garden fence. More appropriately-sized properties and a better housing mix can ameliorate this detrimental impact. Asks Members to be happy all material considerations and relevant matters have been taken into account before they make their decision, and not to underestimate the significant loss of light and overbearing visual impact that neighbours will have to live with as a result of their decision. As a professional, can see what this scheme will do and, as a resident, is horrified.

## **Mr Alex Scott, applicant, in support**

Spoke as a representative of the applicant, Martin Scott Homes, and did not want to reiterate what is in the report, but to provide background information. The applicants are a Cheltenham-based company, twenty years in the property business, and care about the town. They had a pre-app consultation in October 2012, and following design review meetings, and a public consultation in April, submitted their application in May 2013. The consultation had involved neighbours, residents, officers and other consultees, and a significant number of amendments were made in response to concerns from officers, including lowering the land levels, removal of a house adjacent to Collum End Rise, review of access arrangements, change to the mix of houses and their architectural style, a SUDS scheme, taking into account comments from Highways, Land Contamination, Natural England, Trees officers, planning officers. The development will enhance the gateway to the town along Leckhampton Road.

## **Member debate:**

**HM:** notes a lot of objections to the scheme on the grounds of the SPD on Garden Land and Infill Sites, yet this is not referred to in the officer report – why not? The previous debate was very concerned with the loss of employment land in the borough, but how many jobs will be affected by this proposal and what can be done to help those employees find alternative work?

**AC:** has a number of concerns.

- (1) the site is currently a working area in the borough. The landlord has allowed it to deteriorate so no new tenants are coming forward, but there are still a few tenants and a number of jobs – and there could be more if the site was improved. The JCS requires a lot of jobs in Cheltenham, but here we are taking away an area which provides employment;
- (2) the gym is the only one in South Cheltenham and is used by a large number of local people, particularly the elderly. Its removal will cause a lot of inconvenience for them, as shown by the petitions which demonstrate the strong local feeling;
- (3) the loss of amenity for residents in Collum End Rise. Members saw this on Planning View, and although it is not our job to think about loss of views and reduced property value, they should consider what it will be like to have a view of Leckhampton Hill replaced with red brick;

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- (4) regarding the provision of 10% social housing – is aware that our policy is for 40% and not one application has come anywhere near this. We should put our foot down over this;
- (5) is the proposal to re-house the bats realistic?
- (6) the officer report talks about the developer agreeing to assist the scout group with an application to redevelop the scout hut – but there is no condition concerning this, and it seems more like a vague promise;
- (7) if the developer had come forward and offered to redevelop the scout hut and the gym, he could have supported the proposal, but as it stands, cannot do so.

**KS:** also has a number of concerns, some of which she discussed with officers before the start of the meeting.

- (1) is very concerned about the loss of employment land, which Cheltenham is terrible at protecting. We seem to have a schizophrenic attitude here, holding on to employment land with terrible access, but letting to with casual abandon sites which provide important amenity for local people;
- (2) another fundamental and important concern is the viability of the scheme. There is no contribution to education, yet this part of town is attractive to families – all the schools are over-subscribed, and there was only one space left on Allocation Day. A site like this isn't viable if it doesn't make any contribution to education – therefore this site is not viable. These are family homes – where will the children go to school?
- (3) the impact on residential amenity is another concern. Knows the site well, and the levels vary greatly. Homes and gardens adjacent to the boundary on the south side will feel very enclosed and unpleasant. This should have been addressed with revisions of the plan. Why couldn't the proposed dwellings be bungalows – this would solve the levels issue and the education issue in one;
- (4) notes that these are very urban-looking houses on the edge of the AONB – another cause for concern;
- (5) finally, notes the update states there will be one house with social rent, but understood that the council had signed up for affordable rent, 80% of the market value. This will be very expensive for a four-bedroomed house. How has this happened?

**MS:** if this proposal is permitted, the developer will have to take away huge amounts of spoil – earth and gravel – from across the whole site. Condition 3 needs to include an assurance that a route has been agreed with the local authority, to ensure that lorry-loads of earth won't be driven through small roads and estates. Has anyone told the bats they are getting a new home?

**LG:** asked questions about this unusual site on Planning View, and has listened to the comments in support and objection. Reiterates the point raised by KS – why not build bungalows here? - and regarding land levels, can the reduction of 1.5m be increased to mitigate the overlooking and other issues put forward. Would have difficulty finding sound planning reasons to refuse this scheme, but feels it could be made a good deal better than it is.

**PT:** following AC's comment about the scout hut, can this be made a condition? Remembers another developer promising a cycle track but not following through. If it isn't included as a condition, the chances are it won't be done. Is intrigued by the business of light, shadow and shade – imagining the site as it is, presumably some of the existing trees are as tall or taller than the proposed buildings and cast shade and shadow on neighbouring properties. New trees can be grown to shield the site from existing houses - they will still be cheek by jowl, and existing residents will have to put up with having people over the fence which will be difficult for them when they have enjoyed privacy for so long. Unfortunately, however, in the real world, other people want to live in this area.

**GB:** aware that this particular area has flooded in the past, and is concerned about mitigation. The report refers to land drainage on Page 87 and to a drain being fitted, but would like to see a greater

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amount of certainty. Cannot see any information about wants clarification about what has satisfied the Land Drainage officer.

**BF:** is in favour of the proposal, which makes good use of a site which has been a mess for a long time. Many of the units are empty and would require major reconstruction to open as employment units. The proposed scheme is well laid out, with good provision for cars. The existing trees must cause as much shading than the new properties, which are, strictly speaking, two storeys high, with velux windows in the roof – not three-storey houses. It is a good lay-out for the area, close to the town centre, shops, bus routes, Leckhampton Hill etc, and makes good use of the site which is decrepit and Victorian. There are plenty of small industrial units where current businesses can be relocated. Building houses close to town is good. The houses are well designed, the report sets out the case well, and the bats will enjoy rent-free social housing.

## **WH, in response:**

- regarding the Garden Land SPD, this isn't specifically mentioned in the report but is inherently so – amenity is considered throughout the report, and officers feel that the scheme is compliant with the SPD;
- regarding the loss of employment land and policy EM2 of the Local Plan, the scheme was considered against this and considered to comply with (b) *the retention of the site for employment purposes has been fully explored without success*. Marketing information was submitted with the application which was reviewed by Policy colleagues; they were satisfied with it. Also, Paragraphs 22 and 31 of the NPPF, say planners should approve residential use where there is a need for additional housing in an area, and as Members know, it is an established fact that we have a 5-year housing land shortfall;
- regarding the impact on the AONB, the site is undesignated, though adjacent to the AONB on the western boundary. The landscape architect has reviewed the application and not raised any objections on those grounds. She has been involved in the landscape scheme and this will be secured by condition;
- regarding loss of amenity, when this is assessed, the impact on daylight, overshadowing, loss of privacy etc are all looked at via scientific calculations, including the 25° and 45° rule for adjacent buildings, shadowing at key points of the year, and distance between buildings all taken into account. This proposal exceeds all requirements regarding Collum End Rise. It is a unique site regarding land levels, with a significant difference on the Collum End Rise side, but it should be remembered that it is a site on the side of a hill. The matter of amenity was carefully looked at, calculations were applied, and the scheme exceeded requirements;
- regarding the 10%/40% affordable housing provision, the application was submitted with a viability study which was assessed by the DVS, who are independent land valuers for the public sector. The blue update sets out their conclusions that the scheme is unviable at 40%, 20% and 10%, but the applicant is prepared to include 10% affordable housing.

**KS:** reiterated her Point 5 (*above*) - how will the affordable housing be delivered in line with the affordable rent statement we are signed up to? Affordable rent is set locally, and will be high in Leckhampton.

## **MSt, in response:**

- is KS concerned about affordable rent on a three-bedroomed or four-bedroomed house?

**KS:** concerned about how it will be delivered.

## **MSt, in response:**

- this will be through an Registered Provider.

## **WH, in response (contd):**

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- regarding bats, the County ecologist looked at the site and identified two species here – the natter and the lesser horseshoe – roosting in an underground bunker. Having done extensive work on bats and working with the applicant, the proposal is for a strategically located new bat roost on their foraging path, where there is a good chance that they will use it. The ecologist is happy that these mitigation measures are adequate. A number of conditions have been suggested, including an S106 agreement about ownership and long-term maintenance of the bat and bird boxes, so their long-term protection is secure, possibly more so as a result of the proposal than their current situation;
- regarding the scout hut, this is not material to consideration of the application, but the applicant has had discussions with the scout group and made a goodwill offer. This arose out of the consultation process in April, where it was clear that this is what the very proactive local community want to see. Although it isn't a material consideration, the applicant is present at the meeting and will note the importance which Members attach to this;
- regarding the transportation of earth and spoil, after Planning View, asked PS to attend Committee to deal with this question, and the matter of contaminated land.

## **PS, in response:**

- regarding the site, have advised a condition to ensure that any investigated land be assessed for contamination. As part of the proposal, a materials management plan will be submitted, providing information about where the spoil will be going, but the authority has no control over routing of lorries. Any contaminated material will have to be taken to an appropriate site

## **WH, in response (contd):**

- regarding the site levels, the site has been subject to a lot of landfill over the years, and part of the planning application will lower the levels and reduce the impact on Collum End Rise and Liddington Close. The distance and daylight requirements have been exceeded, and it would be difficult to secure these at lower levels;
- regarding flooding, there is a history of flooding and problems with surface water at the site. Initially a drainage system was proposed to alleviate this, and the Land Drainage Officer's first comments were based on this. This went back to the applicants, who subsequently proposed a sustainable urban drainage solution with an attenuation tank in the corner. The Land Drainage Officer is happy with this;
- regarding trees, there are a lot of existing trees on adjacent land, and CC will comment.

## **CC, in response:**

- confirmed that there are a lot of adjacent trees and many of these will be retained. New trees to be planted on the north side of the site are small and appropriate to the size of garden. Has asked for an understory of evergreen – holly, bay – to act as an evergreen screen in the winter months, and to encourage householders to remove the fence; has asked for further evergreen trees at the front – a particular form of spineless holly with berries;
- overall is happy with the scheme. There could be problems with the soil – additional top soil will be needed – but the new trees are appropriate species and should establish and thrive;
- the largest trees are not within the site, therefore outside the sphere of the developer.

## **WH, in response (contd)**

- there is a mistake on Condition 27 on the blue update, which should reference obscure glazing in houses F1 and I only. These are bathroom windows.

**SW:** as a point of information, a right of way for access through the site to the hall is mentioned in the report – could officers indicate where this in on the plan?

## **WH, in response:**

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- this access remains as existing – a footpath off the main access. People will walk up the front of the development to the scout hut, following the red line on the drawing.

**LG:** asked whether bungalows on the Collum End Rise side were suggested or discussed at pre-app stage.

**WH, in response:**

- pre-app discussions concerned issues of amenity, and didn't specifically suggest any bungalows on the site. The position of the buildings, height, fenestration were considered, with a general level of advice – no particular architectural style was proposed or rejected. It is not for planners to evolve or propose a development but to consider what comes before them.

**KS:** moved to refuse the application, the main reasons being that it is contrary to EM2, and concern that a message be sent to owners that they cannot allow their premises to become dilapidated in order to realise a scheme. We need to be firm here. Surprised by BF's comments following on from his comments about Grovfield Way, as these patches of employment land all add up and are important to local communities. Also suggested CP4 as a refusal reason – impact on neighbouring properties, particularly to do with the difference in land levels; the impact of the two-storey houses would be significant, and PT was right – people do live cheek by jowl these days but not 5m higher than their neighbours' gardens.

**PSt, in response regarding employment land:**

- with regard to EM2, the land here has been identified as a steeply sloping site, which reduces the accessibility and usefulness of some units. The strategic land use team looked at the site prior to the application, and were keen to be sure that there was sufficient marketing over a sufficient period of time, to ensure the evidence was robust and ongoing. They are satisfied that there was a sufficient attempt to market the site, but bearing in mind the limitations, and the design and age of the units, it would be hard to do anything with the buildings of this type and scale;
- there is a distinction between loss of employment site with the potential for significant reorganisation and the ones limited by nature to buildings on site but can reasonably accommodate a modest development;
- if the proposal is refused, there is potential that the NPPF Para 22 would come into play, giving rise to questions over the site's long term viability.

**AC:** if the application was for building new offices for a technical park, would have no objection.

**TC, in response:**

- this is an interesting point. This area is part of South Cheltenham under the JCS, and Gloucestershire First, our economic partners, take the view that sites on this side of town cause significant difficulties. If a new site was proposed in this area, its attractiveness would be limited, due to connectivity issues, and looking at the site on its merits, this must be taken into account.

**AC:** what is a connectivity issue? People can walk to this site.

**RW:** has listened with interest to the debate, and found it hard to form an opinion but has done so now. To begin with, listed on the KS and AC side, with concerns about affordable housing, change of use, industrial going to residential, overlooking issues, but all these arguments have been demolished during the debate. If this was a blank sheet of paper, would we put an industrial estate here? It lends itself to residential. Disappointed with the 10% social housing but has to accept officer advice, and Members should think through at a strategic and policy level if the JCS would work on this basis. Is coming more and more to the view that this site is suitable for residential. Aware of calculations regarding overlooking, but must assume these have been done correctly and are acceptable.

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**BF:** Mead Road causes problems as do other small industrial estates in residential areas, with large lorries and other traffic. Regarding affordable housing, this has to be addressed by the JCS – over 60% of applications on green field sites do not come through with correct affordable housing in line with the Local Plan. Developers are circumnavigating requirements, all over the country, not just in Cheltenham.

**KS:** the issue is not just about overlooking. It is the bulk, scale and mass of buildings at the end of gardens, on a bank, 5m high. CP4(a) and also CP7(c) are appropriate refusal reasons too, due to different land levels. The trading estate is of value to the local people, the gym is popular and well-used. This is not the right scheme for this site. It could be residential but not these plans. This is over-development, and will have an adverse effect on neighbours.

**WH, in response:**

- the gym does not fall foul of EM2 – it is a leisure use, not an employment use.

**Vote on KS's move to refuse on EM2, CP4(a) and CP7(c)**

2 in support

12 in objection

0 abstentions

**PERMIT with amendment to Condition 27**

|                         |   |
|-------------------------|---|
| Application Number:     | <b>13/01386/FUL</b>                                 |
| Location:               | <b>Coronation Flats, Oak Avenue, Charlton Kings</b> |
| Proposal:               | <b>Provide new refuse bin storage stores</b>        |
| View:                   | <b>Yes</b>  |
| Officer Recommendation: | <b>Permit</b>                                       |
| Committee Decision:     | <b>Permit</b>                                       |
| Letters of Rep:         | <b>0</b>  |
| Update Report:          | <b>None</b>   |

***On return to the Chamber, Councillor Driver declared a personal and prejudicial interest and did not take part in the debate or vote on this application.  
Two other Members (Cllr Barnes and Cllr Godwin) were out of the Chamber for this application.***

**EP** explained that this is an application for two new bin stores, at Committee because it is a council-owned site. The proposal will replace the existing bin store at the back which is located too far from the road.

**Public Speaking:**

None.

**Member debate:**

**BF:** was told on Planning View that the bin stores are being relocated because of the distance that refuse collectors have to travel to reach them. Now the residents will have to travel further with their rubbish – this isn't fair.

**Vote on officer recommendation to permit**

11 in support

0 in objection

1 abstention

**PERMIT**

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|                         |   |                |             |
|-------------------------|---|----------------|-------------|
| Application Number:     | <b>13/01483/FUL</b>   |                |             |
| Location:               | <b>Downside, Battledown Approach, Cheltenham</b>  |                |             |
| Proposal:               | <b>Demolition of existing single storey side and rear extension, erection of two storey extensions to the side and rear, single storey extensions to the front and rear (revised plans)</b> |                |             |
| View:                   | <b>Yes</b>  |                |             |
| Officer Recommendation: | <b>Permit</b>   |                |             |
| Committee Decision:     | <b>Permit</b>   |                |             |
| Letters of Rep:         | <b>8</b>  | Update Report: | <b>None</b> |

EP described the application, and said the recommendation is to permit.

## **Public Speaking:**

### **Mrs Heidi Jockelson, neighbour, in objection**

The applicants have shown no regard for the effect on their neighbours during the development of these proposals, which threaten a massive intrusion into their privacy – there has been no acknowledgement of the adverse impact this substantial project will have, hence her strong objection. The most contentious issue is the virtual doubling in size of the house, and the proposed two-storey structure almost 10m in depth, within 1m of the side boundary of her property – a vast expanse of solid wall which will swamp her home, causing serious loss of light. This is exacerbated by the difference in ground levels between Downside and Waverley, resulting in a prison-like wall which she and her husband will have to suffer every day. Trees in Downside's garden already block out much of their daylight. The current gap between the buildings is 7m, excluding garages; maintaining space between buildings and ensuring adequate daylight are basic design principles in a residential development. Local Plan policy CP4 states that development will only be permitted where it will not harm neighbouring amenity, and neighbours are unaware of the applicant's long-term plans – he appears to be solely intent on exploiting the maximum space available.

This is particularly unedifying when the apparent pursuit of financial gain from property speculation by someone who has never lived at the house is placed before a family's quiet enjoyment of their home next door, whose only home it has been for nine years. Her husband is virtually house-bound, suffering from advanced Parkinson's Disease, and she is his full-time carer, as well as working from home in an office located in the converted garage. The outside wall of this will be severely affected by the proposed building works. There are a number of issues relating to the proposed building work, including the garage and shared chimney of the gas boiler outlet which will require joint cooperation. In view of the seemingly autocratic stand taken by the applicant, this could prevent problems which will be difficult to resolve.

On a safety note, there is a primary school opposite the two houses, and already an ever-present danger to children from vehicles travelling too fast. Construction traffic will increase this risk significantly.

If permitted, this scheme could set an unfortunate precedent and threaten the maintenance of good practice in Battledown.

### **Mr Mark Underwood, on behalf of the applicant, in support**

The applicants plan to extend Downside into a family home. Personal circumstances are not relevant to the application, but in order to defend the defamation of character of the applicant, explained that he (the applicant) is unable to attend tonight's meeting due to ill health which, combined with his own job which involves significant travel and time away from home, is the reason for wanting to move his wife and family back to the family home in Cheltenham. The applicant's wife and her brother grew up in



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Downside, and the family has lived there until recently, for over 50 years. He was disappointed to lose the proposed car port and has made structural changes to the porch and reduced the extension to the rear west side after consultation with planning officers, and in line with current policy. The reduction of the extension to the west was a response to the only objection of any merit from the owners of Waverly, but despite these amendments, they continue to object with no substance in terms of planning policy but simply out of resistance to change, which may be common but will hopefully not affect the Committee's decision. The planning officer confirms that the proposed extension is acceptable in relation to both neighbours with a feeling of space between; is acceptable in terms of street scene; complies with light testing; has no windows in the side elevation; has windows to the rear which achieve oblique views to the garden, usual in the area; has acceptable impact on residential amenities; is in accordance with policy relating to good stands of design; has adequate parking. Plans to extend Downside into a modern family home, respectful of all planning policy and the local environment, and hopes Members will uphold the officer's recommendation to approve.

## Member debate:

**PT:** asked for an illustration to show the house to be extended in relation to its neighbours.

**BF:** on Planning View, noted that these are currently linked houses with two chimneys. If the application is approved, how this is dealt with during construction must be set out. Will there be a single skim wall?

## EP, in response:

- the finish on the neighbouring property will need to be resolved, but this is not a planning issue – it is a civil matter, to be resolved by owners of the two properties.

## Vote on officer recommendation to permit

9 in support

4 in objection

2 abstentions

**PERMIT**

**CC:** said that if the neighbours were wondering why there was not more debate on this application after the lengthy discussion on earlier ones, they should know that Members visited the site on Planning View, had read the report and representations, and listened to what both speakers had to say. They must not think that the lack of a long debate meant that Members have not given due weight and thought to the application. Thanked the neighbours for coming to the meeting.

|                         |   |
|-------------------------|---|
| Application Number:     | <b>13/01758/FUL</b>                           |
| Location:               | <b>1 Hayes Road, Cheltenham</b>               |
| Proposal:               | <b>Erection of a replacement summer house</b> |
| View:                   | <b>Yes</b>                                    |
| Officer Recommendation: | <b>Refuse</b>                                 |
| Committee Decision:     | <b>Refuse</b>                                 |
| Letters of Rep:         | <b>0</b>                                      |
| Update Report:          | <b>None</b>                                   |

**MJC** introduced the application, saying Members on Planning View will have seen the existing summer house – the proposal is considerably larger, and the officer recommendation is to refuse. The application is at Committee at the request of Councillor Rowena Hay.

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## **Public Speaking:**

### **Mr Lawrence Tucker, applicant, in support**

The existing summer house sits 0.5m off the boundary wall, behind a 10ft high hedge which has been in front of the established building line for more than 25 years. The garden is 461 square metres, of which the existing summerhouse takes up 2% and the proposed takes up an addition 4.4% - so not a huge amount. Referring to Policy BE1, the report states that the location of the proposed summerhouse will erode open space and be out of keeping, but does not think that the additional space of 4.4% of the garden erodes open space significantly, and has there has been a summerhouse on the site for a quarter of a century, so it cannot be out of keeping. The report also says that, under Policy CP3, the proposal would be a large and alien addition, but this is an exaggeration, as summerhouses are normally found in gardens, and under CP3(c) it could actually be said to conserve and enhance the built and natural environment, making a significant contribution to the character, appearance and amenity of the site. The report also says that the proposal fails to comply with policy CP7, but the application is not for an extension or alteration to existing building, so this policy is not valid, and states that the existing summerhouse is unassuming and incidental. If this is the case, what size would it have to be to be considered assuming and significant – an acceptable size is not quantified. Is willing to negotiate on size if necessary, but there is no evidence that the summer house will detract from the area and no indication of how the harmful effect is measured – therefore cannot understand this opinion. Has been in discussion with the planning officer since Tuesday, and understands that replacing the summerhouse like for like may be acceptable.

## **Member debate:**

**PT:** asked for a clear illustration of the building on the screen.

**BF:** surprised this application is at Committee at all. The site is in the conservation area, but Pittville Circus Road is only 6 feet away and the proposed summerhouse cannot be seen from there. There would be concerns if the hedge or wall was taken down, but the reality is that there is currently a dilapidated summerhouse which has been there a long time and has planning permission by default, and it would be OK to replace this like for like. Is minded to approve – has a summerhouse himself, and enjoys sitting out in it on a summer evening. It is not a dwelling, but will allow the applicant to spend quiet hours in his garden, which is very large. The summerhouse will not do anyone any harm. Agrees with the applicant – this is making something out of nothing – and moves to approve.

**KS:** did not go on Planning View, but has looked at the site since, and couldn't see the existing summerhouse from the road. Suggests that the parked cars outside do more harm to the conservation area. Supports BF's move to approve.

**AM:** cannot understand why the recommendation is for refusal. The reasons suggested in the report are very thin. Would like the officer to justify her recommendation.

**BD:** this is a good example of why it is so important to go on Planning View. The proposal is huge; the existing summerhouse is small. The proposed summerhouse is like a train going along the bottom of the garden, and you could hold a dance in there.

**LG:** when is a summerhouse not a summerhouse? When it looks like a cricket pavilion. The proposal is out of proportion. Has seen a lot of summerhouses, but it is over-use of the English language to describe the proposal as one.

**SW:** agrees with both sides of the argument. Yes, the proposal is large. Was not on Planning View, but has looked on Google Earth and cannot see the existing summerhouse. The proposal is larger,

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but still won't be seen from outside, being lost behind the hedge. Will be happy to approve the application.

**CC:** a lot of Members are still wanting to speak, and there has been a lot of mention of the hedge. If the proposal is permitted, can a condition be added to ensure the retention of the hedge?

**BF:** LG said the proposal is like a cricket pavilion, but he has played all over Gloucestershire, and you wouldn't get 11 men inside this summerhouse.

**PT:** it is a big building; the hedge is old and sparse, and the summerhouse may well be seen through it. If it was reduced in size by a third, could say yes to it, but not at its current size – it is too big.

**MS:** agrees with PT. Would vote in support for a smaller summerhouse, but why set a precedent for such a large one? We should adhere to our own policies.

**AC:** there have been no objections to the proposal other than from ourselves. No-one can see it from outside. Agrees with a condition to maintain the hedge, then the only person to see it will be the applicant.

**BF:** notes that the refusal reason refers to the application site being located in the conservation area, but that there is no comment from the Conservation and Heritage Officer and that she is not present at the meeting.

### **MJC, in response:**

- regarding comments from the Conservation and Heritage Manager, said the application had been discussed with her, and the main consideration from her point of view is always whether a proposal will preserve or enhance the conservation area. Having consulted with the Central Conservation Area character appraisal, this states that Pittville Circus Road has a sense of spaciousness, openness, historic building line, and properties set back from the road. Hayes Road enhances this;
- officers can accept the existing summerhouse in situ, and if the application was to replace like for like, would have no objection. It is a discreet building in the garden, but the proposal goes beyond what is acceptable and compromises the spaciousness;
- there is currently a hedge in situ which screens the summerhouse from the street, but the concern is with the view from the south east, across the neighbouring property, Ballaghy. From here, there will be clear views of the structure, in a prominent position in the public realm;
- the proposal will not preserve the openness and spaciousness of the conservation area, and is therefore contrary to policy;
- regarding a condition to retain the hedge, this is possible but there will need to be specific wording in terms of height, replacement of failing parts of the hedge etc. If Members permit the proposal, officers will formulate an appropriate condition to be agreed by the Chair and Vice Chair, with Members' approval. This would be reasonable, but does not mitigate all aspects.

**LG:** how long would such a condition last? A hedge doesn't last for ever.

**AM:** on the point of being able to see the building from the south west, can't the existing summer house be seen now?

### **MJC, in response:**

- to AM, the existing summerhouse cannot be seen as the hedge has grown up and around it, practically 'consuming' it. The proposal is wider and there is more of it to see – it will be visible where the existing structure is not;

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- a condition for a hedge is not one we regularly include and there is no standard condition here. Landscaping conditions usually last for five years to allow a scheme to become established, but this is different – the hedge is already established, but what Members are asking is that we ensure that it stays or is replaced. As a screen to the summerhouse, it could possibly be reasonable to require the hedge to stay as long as the summerhouse. Can put together a condition and report back via the Chair and Vice-Chair.

**KS:** the hedge is quite tall. Is the outbuilding higher than the existing hedge? Hayes Road is not quite as significant as Pittville Circus Road in the conservation area – could the summerhouse be erected in a different part of the garden? Has this been discussed with the applicant?

**RW:** there is a lot of concern about the conservation area, which is right and proper, but it is there to be our servant, not our master, and applications such as this are the reason why we need a planning committee – so that decisions are not simply mechanical. It is up to the Committee to decide and how much weight to give to the proposal being in the conservation area. Does not see why it can't be conditioned that a hedge must be there as long as the summerhouse is – if it dies, another hedge can be planted.

**MJC, in response:**

- the hedge is taller is taller than the current and the proposed summerhouse – it would take a long time to grow to this size if replaced.

**Vote on BF's move to permit, with a condition to retain the hedge**

6 in support

9 in objection

**REFUSE**

|                         |   |
|-------------------------|---|
| Application Number:     | <b>13/01500/CONDIT</b>  |
| Location:               | <b>Car Park, North Place, Cheltenham</b>  |
| Proposal:               | <b>Variation of condition 28 on planning permission ref: 12/01612/FUL - Insert word 'Superstructure' after the words "Prior to the commencement of" at the start of the condition</b> |
| View:                   | <b>Yes</b>  |
| Officer Recommendation: | <b>Delegate Authority To Officers</b>   |
| Committee Decision:     | <b>Delegate Authority To Officers in consultation with Chair and Vice-Chair</b>   |
| Letters of Rep:         | <b>0</b>  |
| Update Report:          | <b>Officer comments</b>   |

***Councillor McKinlay declared a personal but not prejudicial interest, as Cabinet Member for the Built Environment.***

**MJC** told Members that this application to vary a condition on the consent granted for North Place and Portland Street Car Park relates to the provision of large-scale drawings prior to the commencement of works. The application seeks to amend the condition to allow some groundwork before the drawings are complete. If Members agree, a new planning permission will be issued, reiterating all conditions and S106. It is a technical and procedural matter, and it is suggested that Members should delegate authority back to Officers to ensure a suitable planning permission. The application is at Planning Committee because the council still owns the land.

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## **Public Speaking:**

None.

## **Member debate:**

**JF:** does this mean the detailed plans will be seen later?

## **MJC, in response:**

- planners will not be asked to consider a new planning application. If this condition is varied, they will issue a revised planning consent, and the applicant can then decide which one to implement.

**PT:** will this be done with the Chair and Vice-Chair or just by Officers?

## **MJC, in response:**

- this depends on the view of the Chairman, but Officers are not suggesting that the chair and Vice-Chair need to be involved.

**CC:** is happy with this.

**PH:** also keen.

## **Vote on officer recommendation to delegate authority back to officers in consultation with Chair and Vice-Chair**

15 in support – unanimous

## **Delegate authority back to officers in consultation with Chair and Vice-Chair**

|                         |  |
|-------------------------|--|
| Application Number:     | <b>13/01767/ADV</b>  |
| Location:               | <b>Car Park, North Place, Cheltenham</b>                   |
| Proposal:               | <b>Various illuminated signs to the store and car park</b> |
| View:                   | <b>Yes</b>   |
| Officer Recommendation: | <b>Grant</b>   |
| Committee Decision:     | <b>Grant</b>   |
| Letters of Rep:         | <b>5</b>   |
| Update Report:          | <b>Officer comments; conditions</b>                        |

**Cllr McKinlay declared personal but not prejudicial interest, as Cabinet Member for the Built Environment.**

**MJC** said this application concerns advertisement signs for the foodstore, and following negotiations, officers are comfortable with the revised drawings and proposal. This application is also before committee as the council owns the land.

## **Public Speaking:**

None.

## **Member debate:**

**BD:** hasn't seen the drawings – is the revised proposal smaller?

**CC:** the totem sign has been reduced from 5.5m to 4m – there are drawings on the wall to illustrate this.

# draft minutes

**BF:** has looked at the drawings on the wall, but the intensity of the illumination means nothing – it could be Eddystone Lighthouse or a candle in the wind for all he knew. Can the officer provide some more clarity?

**MJC, in response;**

- we deal with these signs quite routinely - there were similar applications for ASDA – and this level of detail is not considered necessary. These are quite modest signs in large buildings, and the illumination is usually quite modest as well;
- regarding the height of the sign, this has been reduced to 4m, following discussion with the Conservation and Heritage Manager. The highest sign she could support here was 4m, which is where this particular height has come from.

**Vote on officer recommendation to permit**

15 in support – unanimous

**PERMIT**

The meeting ended at 9.10pm.